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EXAMINER

HOSSAIN, TANIM M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/838,205
Filing Date: April 20, 2001
Appellant(s): NATARAJAN ET AL.

Jed W. Caven
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 25, 2008 appealing from the Office action mailed November 21, 2007.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,425,008	Lecheler	7-2002
6,978,265	Schumacher	12-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecheler (U.S. 6,425,008) in view of Schumacher (U.S. 6,978,265).

As per claim 1, Lecheler teaches a method for identifying the source of an event in a computer network, comprising the steps of: associating an identifier tag with an event occurring within the computer network, wherein the identifier tag uniquely identifies a collection computer monitoring the event based on a domain name (column 2, lines 47-54; column 4, lines 30-40; figure 4, step 116, 118); receiving, in a management computer, information from the collection

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computer that includes the identifier tag (column 6, line 66 – column 7, line 5; figure 4, step 120); deriving, by the management computer, an identification of the collection computer from the identifier tag based on the domain name (column 4, lines 47-57; column 4, line 66 – column 5, line 5; column 6, line 66 – column 7, line 5); and identifying to a user the source of the event by displaying to the user the identification of the at least one collection computer (column 5, lines 7-9, 63-66; column 6, line 66 – column 7, line 5; figure 5). Lecheler does not specifically teach that the collection and management computers for a certain domain may be implemented by multiple computers. Schumacher teaches the implementation of multiple management and collection computers for a single domain (Figure 1; column 3, line 56 – column 4, line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the use of multiple collection and management computers to correspond to a certain domain, as taught by Schumacher in the system of Lecheler. The motivation for doing so lies in the fact that additional collection and management computers would allow for the accommodation of a large number of computers within a certain domain, such that the increase in collection/management computers would more efficiently serve a larger population within the domain. Lecheler-Schumacher discusses the display of a network address of a network element that generated the event, but chooses not use it in the invention. Instead, Lecheler-Schumacher teaches the display of a resolved network address of a network element that generated an event (column 4, lines 41-65), as it would be more convenient to convert these network addresses into unique domain identifiers for efficient identification (Lecheler: column 6, lines 13-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying the network address of a network element that generated the

event, as it is a different option of displaying the required information; a design choice by the inventors leading to the same result, rather than a patentable distinction.

As per claim 2, Lecheler-Schumacher teaches the method of claim 1, wherein the identifier tag is a name of the at least one collection computer (Lecheler: column 4, lines 49-52).

As per claim 3, Lecheler-Schumacher teaches the method of claim 1, wherein the step of deriving comprises the step of: maintaining within the at least one management computer a database of identification information associated with identifier tags (Lecheler: figure 3; column 5, line 66 – column 6, line 4).

As per claim 5, Lecheler-Schumacher teaches the method of claim 1, wherein the step of identifying comprises the step of: mapping each collection computer to a group of collection computers using the identifier tag (Lecheler: column 5, line 66 – column 6, line 1). Lecheler-Schumacher does discuss the identification to the user the source of the event using the group of collection computers (Lecheler: column 6, lines 5-12). Using the network address of a network element that generated the event, to identify the source of the event to the user, would have been obvious by the same argument as claim 4.

As per claim 6, Lecheler-Schumacher teaches the method of claim 1, comprising the steps of: managing, by the collection computer, at least one network object (Lecheler: figure 1; column 3, lines 57-60; column 4, lines 19-21); and resolving, by the collection computer, a network address of each network object into a resolved network address included in the information received at the at least one management computer (Lecheler: column 4, lines 47-49; column 5, lines 5-8).

As per claim 7, Lecheler-Schumacher teaches a system for identifying the source of an event in a computer network, comprising: a plurality of collection computers, wherein an identifier tag uniquely identifies each collection computer or group of collection computers based on a domain name, and wherein the identifier tag is associated with an event occurring within the computer network (Lecheler: figure 1; column 2, lines 52-54; column 4, lines 28-34; figure 4, steps 116, 118; figure 5; Schumacher: Figure 1; column 3, line 56 – column 4, line 12); at least one management computer for receiving information from the plurality of collection computers that includes the identifier tag, wherein each management computer derives an identification of each collection computer or group of collection computers from the identifier tag based on the domain name (Lecheler: figures 1, 4a, and 4b; column 4, lines 47-57; column 4, line 66 – column 5, line 5; Schumacher: Figure 1; column 3, line 56 – column 4, line 12); and means for identifying to a user the source of the event by displaying to the user the identification of each collection computer or group of collection computers and a network address of a network element that generated the event (Lecheler: column 5, lines 7-9, 63-66; figure 5; Schumacher: Figure 1; column 3, line 56 – column 4, line 12).

(10) Response to Argument

10.1 Factual findings

Appellant asserts that the Office Action lacks any factual findings with respect to one of ordinary skill in the art. Examiner respectfully disagrees, in that the Lecheler patent fully describes the structure of computing devices, acting as managing and managed computers. The

Schumacher patent is relied upon to describe multiple management computers for a single domain. Both inventions are from the same field of endeavor, namely the managing of computer nodes. Therefore, it would be obvious to one of ordinary skill in the art in that field to include the features of Schumacher into the system of Lecheler. The motivation for this inclusion lies in the fact that one management computer may not be sufficient to serve a large number of managed computers within a certain domain. Therefore, it would be obvious to include multiple manager computers to serve that domain, increasing the efficiency of the invention.

10.2 Schumacher's Provisional Application supports the Schumacher Patent's priority claim

Appellant asserts that Provisional Application 60/262,134 does not support the claims of Schumacher patent 6,978,265. Examiner respectfully disagrees. The provisional application is an overview of the patented claims. The claimed concept of a data collection agent is discussed on page 13, the claimed condensing agent is discussed on page 14, and the claimed tree configuration is illustrated on page 14. These features certainly support the claimed limitations of the patent. The provisional specification describes the general aspects and components of the invention system, each allowing for certain functionalities. These aspects and components are described in Schumacher's patent claims. As such, the patent claims are fully supported in the provisional application of Schumacher.

Specifically, with respect to Schumacher's patent's claim 1, the provisional application teaches: collecting original data related to each computer and storing the original data in a respective database (pages 1-2, sections 1-5); generating an index table including index data for

each computer wherein the index data is configured to identify at least a portion of the contents of the original data stored in the database, and to facilitate access to the databases over the distributed network ("Implementation Details" on page 3); scanning at least one of the index tables to select databases that match a user query (page 5); and accessing the selected databases to retrieve original data and generate an output therefrom (page 5). As such, the provisional application fully teaches the limitations of claim 1. Similarly, all of the claimed limitations are supported by Schumacher's provisional specification.

It is also noted that Schumacher's priority claim was acknowledged and accepted during prosecution of the eventual Schumacher patent. This further reinforces that the priority claim was appropriate and that the provisional application supports the claimed subject matter.

Further, the Schumacher patent is relied upon to teach that multiple computers may be used to manage a certain domain. Paragraph 2 of the provisional application discloses this limitation as well.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tanim M. Hossain/

Patent Examiner

Conferees:

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2145

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